

REMARKS

Reconsideration and allowance of the application on the basis of the foregoing amendments, following arguments, and for other reasons, are respectfully requested.

Claims 21-42 and claims 44-51 are pending in the application. All stand rejected. Claims 1-20 and 43 stand cancelled.

In her response to applicant's arguments filed 05/20/08, the Examiner disagreed with applicant's argument that "Woolley fails to teach the wing section 'deriving its lift in flight from the reaction forces resulting from its motion through air'". The Examiner went on to say that "Woolley teaches that when the device is in motion, the fluid striking the blade attached to the bottom of the device creates a high pressure region below the blade and low pressure above it, resulting in lift that raises the device out of the water (col.1, par. 3)." Applicant challenges that portion of the assertion which states that "when the device is in motion, the fluid striking the blade attached to the bottom of the device creates ... low pressure above it [the blade]". Applicant urges that not only does "the fluid [inelastic water] striking the blade" not create low pressure above the blade; but also that the motion of the blade does not create a low pressure in the water behind it as his blade is flat and of a uniform thickness, thus precluding a Bernoulli Effect.

A reduction of internal fluid pressure accompanies increase stream velocity. The American Heritage Dictionary of the English Language, Dell Publishing Co., Inc., New Dell Edition, First Printing--July 1981. In Woolley, the stream velocity going down the front of his blade would seem to be the same as that going down the back of it; therefore any change in fluid pressure should be the same on both dishes of his blade and no lift derived therefrom. The only lift from Woolley's blade is from the water being struck in front of it.

Applicant's claims on the other hand, using claim 21 as an example, require "a first section constituting the wing of the product and deriving its lift in flight from the

reaction forces resulting from its motion through air". That is not true for Woolley who raises another object, the flying ski 11, from the reaction of another medium, water, on planing boards 37 and 39. Woolley's flying ski 11 does not derive "its lift in flight from the reaction forces resulting from its motion through air".

In fact, if the device of Woolley were to skip out of the water, it would sail through the air as a projectile (projected object, as a bullet, based on inertial energy), and not "deriving its lift in flight from the reaction forces resulting from its motion through air" as required by the claims.

Nor does Woolley's flying ski 11 have a "first section constituting the wing of the product ... independently usable as a rideable element".

To set forth this "rider-disassemblable" important distinction more clearly, applicant has amended the claims to include it. Thus it is offered that independent claims 21, 28, 34, 38, and 44 be amended to recite that the "recreational product" be "rider-disassemblable". The claims of the application therefore each clearly set forth several of applicant's unique distinctions over Woolley, and are not anticipated by him.

Turning now to the specific rejections, claims 21-24, 34, 36-38, 40-42, and 44-49 were finally rejected under 35 USC 102(b) as being anticipated by Woolley (5,100,354). The Examiner stated:

"The device of Woolley reads on the limitations of the claimed invention including: Regarding claims 1 and 38, a wing section (combination 37, 31 and 39) and a fuselage or tail section (13) for on water and flying through the air aerodynamically and separable into two sections (fig. 9--first section and second section--board 13), comprising a first section constituting the wing (fig. 9) of the product and deriving its lift in flight from forces resulting from its motion through air and independently usable as a rideable element, and a second section constituting the fuselage or tail section (fig. 2 and 5) of the product and independently usable as a surfboard and the first section having longitudinally-extending control fins on its underside (42 and 43). In reference to

'rideable element', it should be noted applicant has not claimed structure to read over the broadest interpretation of a 'rideable element' (i.e., and structure that can support a user). Further, the wing section of Woolley will fly through the air depending on the speed of the boat, the lift against the water and the weight of the user. It should be also noted the second section can be used independently as a surfboard since the board is capable of being disconnected from the wing section as seen in figure 9."

As noted above, applicant urges that Woolley does not have, in Fig. 9 or elsewhere, a "first section constituting the wing of the product and deriving its lift in flight from forces resulting from its motion through air". Nor is the Woolley "wing" of Fig. 9 "independently usable as a rideable element. Accordingly, the claims are not anticipated by Woolley.

Hence while "the wing section of Woolley" may "fly through the air depending on the speed of the boat, the lift against the water and the weight of the user", it only does so as a projectile, not by "deriving its lift in flight from forces resulting from its motion through air". It should be also noted the Woolley's board can not be readily used independently as a surfboard since the board is not capable of being rider disconnected from his "wing section".

Claims 25-33 and 49-51 were finally rejected as being unpatentable over Woolley in view of Saghri (5,498,184). As observed above, Woolley does not teach the fundamentals required by the basic claims. And Saghri does not make up for the deficiencies of Woolley. Thus even is it is obvious to have "the longitudinally extend fins extend downwardly on the board of Woolley", does not make it obvious to have them extend downwardly on the underside of applicant's wings; hence the claims still distinguish patentably over Woolley in view of Saghri. And there is no evidence that it would be obvious to use the longitudinally extending fins 44 and 48 that Saghri uses on the upper side for enhancing the propulsive capability and stability of his board, on the applicant's wings underside for purposes applicant does: central fin 30 for assuring "even pressure on both sides of the wing-like body 12 when being pulled by a motor boat"; fins

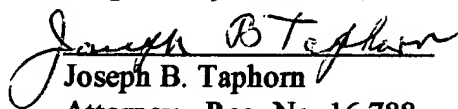
32 and 34 for "control in water, snow and air"; and fins 36 "for added lift and control when getting airborne".

Claims 35 and 39 were rejected as being unpatentable over Woolley in view of Schlueter (3,320,625), the Examiner alleging that "Woolley teaches most of the elements of the claimed invention ...". Claims 35 and 39 are dependent claims, and as noted above, Woolley does not teach all of the elements of the claimed invention. Thus dependent claims 35 and 39 are patentable, not only for their additional limitations, but also for the limitations recited in the basic claims.

Applicant believes that he is the first one to invent a rider-disassemblable recreational product having a wing section and a fuselage or tail section for skimming on water and flying through the air aerodynamically, that is separable into two sections comprising a first section constituting the wing of the product and deriving its lift in flight from the reaction forces resulting from its motion through air and independently usable as a rideable element, and a second section constituting the fuselage or tail section of the product and independently usable as a surfboard or ski. The claims reflect different aspects of the new invention. However, applicant has proposed amending the claims the more clearly reflect the "rider-disassemblable" aspects of applicant's novel device.

Wherefore applicant believes that this application has been placed in condition for allowance, which favorable action at an early date is earnestly solicited.

Respectfully submitted,


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